

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

J.W. a minor, by and through Amanda Williams,  
as Guardian and Next Friend, et al.

Plaintiff,

Civil Action No.: 3:21-cv-663-CWR-LGI

v.

The City of Jackson, Mississippi; Chokwe A.  
Lumumba Jr.; Tony Yarber; Kishia Powell;  
Robert Miller; Jarriot Smash; The Mississippi  
State Department of Health; Jim Craig; Trilogy  
Engineering Services LLC; and John Does 1-40,

Defendants.

**UNOPPOSED MOTION FOR LEAVE TO FILE  
MEMORANDUM BRIEFS IN EXCESS OF PAGE LIMIT**

Defendants Mississippi State Department of Health and Jim Craig (“MSDH and Craig”) submit their Unopposed Motion for Leave to File Memorandum Briefs in Excess of Page Limit<sup>1</sup> and would show unto the Court as follows:<sup>2</sup>

**REASON FOR REQUEST FOR ADDITIONAL PAGES**

1. Plaintiff filed an Amended Complaint on February 17, 2022.
2. Plaintiff’s claims are complex and are based on the alleged actions taken by numerous different parties over a prolonged period of time. Plaintiff’s Amended Complaint contains 439 paragraphs and is 92 pages in length, exclusive of exhibits which account for an additional 44 pages. Plaintiff asserts two Section 1983 claims against Craig individually, as well as a state-law negligence claim against MSDH and Craig.

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<sup>1</sup> MSDH and Craig specifically preserve and do not waive of any and all defenses.

<sup>2</sup> Due to the simple nature of the relief sought herein, MSDH and Craig request that they be excused from filing a separate memorandum of law in support of this motion.

3. MSDH and Craig intend to file a joint motion to dismiss the Second Amended Complaint. Plaintiff's claims against MSDH and Craig are based on the same underlying conduct. However, the legally distinct nature of the claims requires MSDH and Craig to assert some independent defenses, i.e. defenses that do not apply to both defendants. While MSDH and Craig conceivably could have filed two separate motions to dismiss, it would have been impractical and inefficient under the circumstances and would not promote judicial economy.

4. To avoid inundating the Court with separate briefs, motions, and exhibits, and for the sake of simplicity and judicial efficiency, MSDH and Craig plan to address all claims in a single motion to dismiss and supporting memorandum. A single motion accomplishes the purpose of limiting the number of pages number by avoiding excessive verbiage. *See Shephard v. Cleveland School District*, No. 4:17-CV-91-DMB-JMV, 2022 WL 45473, \* (N.D. Miss. Feb. 14, 2022) (Granting an unopposed motion for excess pages after finding that a single filed rebuttal in response to multiple responses "accomplish[ed] the purpose of avoiding excessive verbiage.").

5. Local Rule 7(b)(5) provides a movant's "original and rebuttal memorandum briefs together may not exceed a total of thirty-five pages" and that a "respondent's memorandum brief may not exceed thirty-five pages." Plaintiff does not oppose that MSDH and Craig being afforded a total of forty-five pages for their original and rebuttal memorandum briefs together. Similarly, MSDH and Craig do not oppose Plaintiff being afforded a total of forty-five pages for their respondent's memorandum.

6. As such, MSDH and Craig respectfully request that the Court afford them ten (10) extra briefing pages and extend their total page limit to forty-five (45) total pages for their original and rebuttal memorandums. Similarly, MSDH and Craig ask that that the page limit for

Plaintiff likewise be extended to 45 total pages. Undersigned counsel consulted with Plaintiff's counsel, who confirmed they do not oppose this request.

Respectfully submitted, this 10<sup>th</sup> of March, 2022.

MISSISSIPPI STATE DEPARTMENT OF  
HEALTH AND JIM CRAIG

By: /s/ Meade W. Mitchell  
Meade W. Mitchell, MB # 9649

ONE OF THEIR ATTORNEYS

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**CERTIFICATE OF SERVICE**

I, Meade W. Mitchell, one of the attorneys for Defendants Mississippi State Department of Health and Jim Craig, do hereby certify that I have this day served a true and correct copy of the above and foregoing document by filing it using the ECF system which sent notice of such filing to all counsel of record.

SO CERTIFIED, this the 10th day of March, 2022.

/s/ Meade W. Mitchell

MEADE W. MITCHELL